

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Fred H. Leinweber, Sr.
DOCKET NO.: 03-24406.001-I-1 thru 03-24406.004-I-1 and
04-23445.001-I-1 thru 04-23445.004-I-1
PARCEL NO.: See Page 3

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Fred H. Leinweber, Sr., the appellant, by Attorney Huan C. Tran with the law firm of Flanagan & Bilton in Chicago; and the Cook County Board of Review.

The subject property contains four land parcels encompassing 89,522 square feet of land. These parcels are improved with a one-story, 76-year old, masonry, industrial warehouse-type building containing 26,072 square feet of above-grade, building area.

The appellant's attorney argued that the fair market value of the subject was not accurately reflected in its assessed value.

The appellant submitted a legal brief as well as a summary appraisal report for the two tax years at issue. The purpose of the appraisal was to estimate the market value of the fee simple interest of the subject property. The appellant's appraisal was conducted by Edward F. Murphy and Brian T. McNamara, both Certified General Real Estate Appraisers. The appraisers provided an estimate of market value as of the January 1, 2003 assessment date of \$165,000.

The appraisal indicated that the subject property was inspected on September 3, 2003. The appraisers indicated that the subject's warehouse contained 20 foot ceiling heights, while the small office area featured 8 foot heights.

The appraisal developed the highest and best use of the subject, as improved, was the property's continued use as an industrial warehouse-type facility. The appraisal also included numerous

(Continued on Next Page)

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuations of the property are:

LAND: See Page 3
IMPROV.: See Page 3
TOTAL: See Page 3

Subject only to the State multiplier as applicable.

PTAB/KPP

color photographs of the exterior and interior of the building located on this subject.

The appraisal developed one of the three traditional approaches to value. The sales comparison approach reflected an estimate of value at \$165,000 after considering five sale comparables with enumerated adjustments. Based upon this evidence, the appellant requested a reduction in the subject's assessment for the first two years of the subject's triennial reassessment period reflecting tax years 2003 and 2004.

The board of review presented "Board of Review Notes on Appeal" wherein the subject's final assessment for the 2003 and 2004 tax years of \$103,234 reflected a market value of \$286,761 applying the Cook County Ordinance level of assessment of 36%. For the 2003 tax appeal, the board of review submitted copies of CoStar Comps printouts relating to six properties. The sales indicated an unadjusted range from \$14.76 to \$36.00 per square foot of building area. For the 2004 tax year, the board of review submitted copies of CoStar Comps printouts relating to four slightly different, suggested properties. The sales indicated an unadjusted range from \$14.76 to \$21.55 per square foot of building area. Further, the CoStar printouts indicated that the information reflected therein was obtained from sources deemed reliable, but not guaranteed. Based upon its analyses, the board of review requested confirmation of the fair market value of the subject as of the assessment dates at issue.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. See National City Bank of Michigan/Illinois v. Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002) and Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the PTAB finds that the appellant has met this burden and that a reduction is warranted.

The PTAB finds that the best evidence of the subject's market value for tax years 2003 and 2004 is the appellant's appraisal with an effective date of January 1, 2003 indicating a value of \$165,000. The PTAB accorded diminished weight to the board's evidence submission due to a lack of the printouts reliability as stated on their face and the unadjusted range of values predicated on raw data.

Since the market value of this subject has been established, the ordinance level of assessment for Cook County class 5b property of 36% will apply. This application indicates a total assessed value of \$59,400. Since the subject's current total assessment for the tax years of 2003 and 2004 stands at \$103,234, a reduction is merited.

Based upon the evidence, the PTAB finds that the appellant has demonstrated that the subject property is overvalued for tax years 2003 and 2004. Therefore, a reduction in the subject's market value and assessment is warranted for those years.

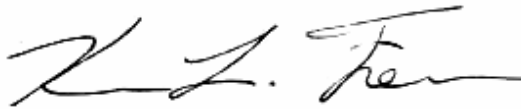
DOCKET #	PIN	LAND	IMPROVEMENT	TOTAL
03-24406.001-I-1	25-16-400-001	\$13,455	\$19,215	\$32,670
03-24406.002-I-1	25-16-400-070	\$ 9,014	\$ 5,836	\$14,850
03-24406.003-I-1	25-16-401-001	\$ 5,345	\$ 1	\$ 5,346
03-24406.004-I-1	25-16-401-025	\$ 6,533	\$ 1	\$ 6,534

DOCKET #	PIN	LAND	IMPROVEMENT	TOTAL
04-23445.001-I-1	25-16-400-001	\$13,455	\$19,215	\$32,670
04-23445.002-I-1	25-16-400-070	\$ 9,014	\$ 5,836	\$14,850
04-23445.003-I-1	25-16-401-001	\$ 5,345	\$ 1	\$ 5,346
04-23445.004-I-1	25-16-401-025	\$ 6,533	\$ 1	\$ 6,534

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member

Member

Member

DISSENTING:

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 29, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30

days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.